



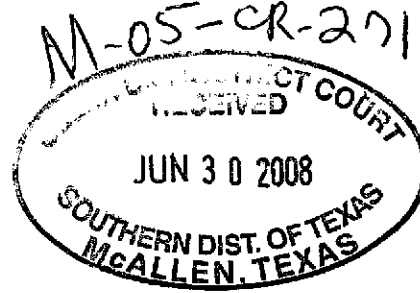
UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604
June 25, 2008

MICHAEL W. DOBBINS

312-435-5698

States District Court
1011 Bentsen Tower
Ms. Ludivina I. Cervantes
United 1701 West Business Highway 83
McAllen, TX 78501



Dear Clerk:

Re: USA vs. Jose Guerrero

Our Case Number: 08 cr 502

Enclosed is a certified copy of the Probation Form 22, Transfer of Jurisdiction, regarding, Jose Guerrero, which has been accepted and assumed by this Court in the Northern District of Illinois, Eastern Division.

Please forward a certified copy of the indictment/information, judgment and docket along with the enclosed copy of this letter to the United States District Court at the above address. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Michael W. Dobbins
Clerk

by:

Deputy Clerk

Enclosure

FILED

JUL 16 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (McAllen)
CRIMINAL DOCKET FOR CASE #: 7:05-cr-00271-1
Internal Use Only**

Case title: USA v. Guerrero
Magistrate judge case number: 7:05-mj-01499

Date Filed: 04/12/2005
Date Terminated: 03/06/2006

Assigned to: Judge Randy Crane

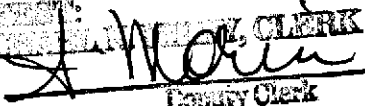
Defendant (1)

Jose Guerrero
TERMINATED: 03/06/2006

represented by **Azalea Aleman**
Federal Public Defender
1701 W Business Highway 83
Ste 405
McAllen, TX 78501
956-630-2995
Fax: 956-631-8647 fax
Email: azalea_aleman@fd.org
TERMINATED: 05/10/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

David Almaraz
Attorney at Law
1802 Houston St
Laredo, TX 78040
956-727-3828
Fax: 956-725-3639 fax
Email: almaraz@netscorp.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Federal Public Defender - McAllen
1701 W Hwy 83
Ste 405
McAllen, TX 78501-5159
956-630-2995
Email: mca_ecf@fd.org
TERMINATED: 05/10/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

~~RECEIVED~~
~~ATTORNEY~~
By  **Deputy Clerk**

*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

ATTEMPT/CONSPIRACY -
CONTROLLED SUBSTANCE -
IMPORT/EXPORT

(1)

CONTROLLED SUBSTANCES -
IMPORT

(2)

CONSPIRACY TO POSSESS
CONTROLLED SUBSTANCE

(3)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR DISPENSE

(4)

Disposition

Dismissed on Government's oral
motion.

Dismissed on Government's oral
motion.

Dismissed on Government's oral
motion.

Fifty-one (51) months custody of the
Bureau of Prisons, three (3) years
supervised release term with
supervision, \$100 special assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21 USC 841 & 952(a)

Disposition

Plaintiff

USA

represented by **Financial Litigation**
U S Attorney's Office
P O Box 61129
Houston, TX 77208
713-567-9000
Fax: 713-718-3391 fax
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

US Pretrial Svcs-Mc
US Pretrial Services

1701 W Bus Hwy 83
 Ste 1105
 McAllen, TX 78501
 956-618-8153
 Fax: 956-618-8153
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

US Probation - Mc
 1701 W Bus Hwy 83
 Ste 729
 McAllen, TX 78501
 956-928-8264 fax
 Fax: 956-928-8264 fax
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Juan Felipe Alanis
 US Dept of Justice
 1701 W Hwy 83
 Ste 600
 McAllen, TX 78501
 956-992-9351
 Fax: 956-618-8009
 Email: juan.alanis@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2005		Arrest of Jose Guerrero, filed. (cjones,) [7:05-mj-01499] (Entered: 03/29/2005)
03/28/2005	<u>1</u>	COMPLAINT as to Jose Guerrero (1), filed. (cjones,) [7:05-mj-01499] (Entered: 03/29/2005)
03/28/2005	<u>2</u>	AO 257 Information Sheet as to Jose Guerrero, filed.(cjones,) [7:05-mj-01499] (Entered: 03/29/2005)
03/28/2005	<u>3</u>	Minute Entry for proceedings held before Judge Peter E. Ormsby :INITIAL APPEARANCE as to Jose Guerrero,(Deft informed of rights) held on 3/28/2005 Preliminary Examination & Detention Hearing set for 3/31/2005 at 09:00 AM before Magistrate Judge Peter E. Ormsby Appearances:Steven Schammel.(ERO:Carmel R. Phelps) (Interpreter:Judy Hawks/ not used) Deft remanded to US Marshal , filed.(cjones,) [7:05-mj-01499] (Entered: 03/29/2005)
03/28/2005		(Court only) CJA 23 Financial Affidavit by Jose Guerrero , filed.(cjones,) [7:05-mj-01499] (Entered: 03/29/2005)
03/28/2005	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Federal Public

		Defender for Jose Guerrero (Signed by Judge Peter E. Ormsby). Parties notified. (cjones,) [7:05-mj-01499] (Entered: 03/29/2005)
03/28/2005	<u>5</u>	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT as to Jose Guerrero (Signed by Judge Peter E. Ormsby). Parties notified. (cjones,) [7:05-mj-01499] (Entered: 03/29/2005)
03/31/2005	<u>6</u>	Minute Entry for proceedings held before Judge Peter E. Ormsby :PRELIMINARY EXAMINATION & DETENTION HEARING as to Jose Guerrero held on 3/31/2005, Added attorney Azalea Aleman for Jose Guerrero. Govt's Witness: Theodore Curtis, III--ICE Agent; Govt is requesting detention; no bond. Court takes judicial notice of PTS Report; Court finds PC; Court adopts PTS bond recommendation and sets conditions; \$100,000 bond w/10% cash deposit bond is set, special conditions. Appearances:Steven Schammel. Azalea Aleman.(ERO:Carmel R. Phelps) (Interpreter:Judy Hawks/ not used) Deft remanded to US Marshal , filed. (cjones,) [7:05-mj-01499] (Entered: 04/01/2005)
04/05/2005	<u>7</u>	CASH Bond Entered as to Jose Guerrero in amount of \$ 100,000.00 Bond Depositor: Georgina Penunuri Surety Company: NuMark Credit Union, Countryside, Illinois; Affidavit of Ownership of Security for Appearance Bond; and Order Setting Conditions of Release, filed. (cjones,) [7:05-mj-01499]. (Entered: 04/12/2005)
04/12/2005	<u>8</u>	INDICTMENT as to Jose Guerrero (1) count(s) 1, 2, filed. (eleandro,) (Entered: 04/15/2005)
04/12/2005	<u>9</u>	US Attys Criminal Docket Sheet as to Jose Guerrero, filed.(eleandro,) (Entered: 04/15/2005)
04/12/2005	<u>10</u>	NOTICE OF SETTING as to Jose Guerrero.. Arraignment set for 4/19/2005 at 08:45 AM before Magistrate Judge Dorina Ramos, filed.(eleandro,) (Entered: 04/15/2005)
04/12/2005		Missed count added: Jose Guerrero (1) count(s) 3, 4 (eleandro,) (Entered: 04/25/2005)
04/19/2005	<u>18</u>	Minute Entry for proceedings held before Judge Dorina Ramos :ARRAIGNMENT as to Jose Guerrero (1) Count 1,2,3,4 held on 4/19/2005. Not Guilty on 1,2,3,4. Appearances:Steven Schammel f/govt, Azalea Aleman f/deft.(ERO:Carmel Phelps) (Interpreter:Judy Hawks/used) Deft remanded to custody , filed.(eleandro,) (Entered: 04/25/2005)
04/19/2005	<u>19</u>	SCHEDULING ORDER as to Jose Guerrero. Motion Filing due by 5/3/2005 Responses due by 5/23/2005 Final Pretrial Conference set for 6/6/2005 at 09:30 AM before Judge Randy Crane Jury Selection set for 6/7/2005 at 09:30AM before Judge Randy Crane Deadline for Motions for Continuance: 5/23/2005(Signed by Judge Dorina Ramos). Parties notified. (eleandro,) (Entered: 04/25/2005)
04/20/2005	<u>11</u>	MOTION for Discovery and Inspection by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(Aleman, Azalea) (Entered: 04/20/2005)

04/20/2005	<u>12</u>	MOTION for Pretrial Notice of 404(b) Evidence by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(Aleman, Azalea) (Entered: 04/20/2005)
04/20/2005	<u>13</u>	MOTION for Exculpatory Evidence <i>and Mitigating Evidence</i> by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(Aleman, Azalea) (Entered: 04/20/2005)
04/20/2005	<u>14</u>	MOTION for Notice of Govt Intent to Use Evidence by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(Aleman, Azalea) (Entered: 04/20/2005)
04/20/2005	<u>15</u>	MOTION for Witness List by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(Aleman, Azalea) (Entered: 04/20/2005)
04/20/2005	<u>16</u>	MOTION to Discover Criminal Records of Witnesses by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(Aleman, Azalea) (Entered: 04/20/2005)
04/20/2005	<u>17</u>	MOTION for Jencks Act Material by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(Aleman, Azalea) (Entered: 04/20/2005)
05/06/2005	<u>20</u>	MOTION to Substitute Attorney David Almaraz in place of Attorney Azalea Aleman by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order) (magarza,) (Entered: 05/06/2005)
05/10/2005	<u>21</u>	ORDER granting <u>20</u> Motion to Substitute Attorney David Almaraz for Jose Guerrero replacing Azalea Aleman and Federal Public Defender as to Jose Guerrero (1).(Signed by Judge Randy Crane.) Parties notified.(magarza,) (Entered: 05/10/2005)
05/18/2005	<u>22</u>	MEMORANDUM from Azalea Aelman regarding time and expenses incurred in representing the defendant Jose Guerrero , filed.(eleandro,) (Entered: 05/18/2005)
06/02/2005	<u>23</u>	MOTION to Continue Final Pretrial and Jury Selection by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(magarza,) (Entered: 06/02/2005)
06/02/2005	<u>24</u>	ORDER GRANTING UNOPPOSED CONTINUANCE as to Jose Guerrero Jury Selection set for 7/6/2005 at 09:30AM before Judge Randy Crane Pretrial Conference set for 7/5/2005 at 09:30 AM before Judge Randy Crane (Signed by Judge Randy Crane). Parties notified. (eleandro,) (Entered: 06/02/2005)
07/05/2005		Minute Entry for proceedings held before Judge Randy Crane: DOCKET CALL for FINAL PRETRIAL as to Jose Guerrero held on 7/5/2005. Defense counsel urges oral motion for continuance as this case will not be a trial but a possible plea of guilty but need additional time to resolve. The Government has no opposition. The Court grants a continuance and will issue an order resetting case for FPT on 07/29/2005 and jury selection on 08/02/2005. Appearances: Juan F. Alanis, AUSA; David Almaraz, Ret; Braulio Carvajal, U.S. Pretrial Svcs-Mc; Jay Medina, U.S. Probation-Mc.(ERO:Richad Cortez [10:09-10:11]) (Interpreter:Sarita Gomez-Mola-not used) Deft continues on bond. , filed.(lcervantes) (Entered: 07/05/2005)
07/06/2005	<u>25</u>	ORDER Granting <u>23</u> MOTION to Continue Final Pretrial and Jury Selection

		as to Jose Guerrero Jury Selection set for 8/2/2005 at 09:30AM before Judge Randy Crane Pretrial Conference set for 7/29/2005 at 09:30 AM before Judge Randy Crane.(Signed by Judge Randy Crane). Parties notified. (magarza,) (Entered: 07/07/2005)
07/29/2005	<u>26</u>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Jose Guerrero. PSI Completion due by 9/13/2005. Objection to PSI due by 9/27/2005 Final PSI due by 10/11/2005 Sentencing set for 10/18/2005 at 02:00 PM before Judge Randy Crane.(Signed by Judge Randy Crane). Parties notified. (magarza,) (Entered: 07/29/2005)
07/29/2005		Minute Entry for proceedings held before Judge Randy Crane : Case called for Final PRETRIAL as to Jose Guerrero held on 7/29/2005; Later recalled for RE-ARRAIGNMENT, #1 of 5, held on 7/29/2005. Jose Guerrero (1) Guilty Count 4. The Court addresses the issue of BOND. Statements of defense counsel and the defendant. The Court orders the defendant remanded to custody. If necessary, counsel may file a motion for reconsideration. Appearances: Juan F. Alanis/Wells, AUSA; David Almaraz, Ret; Marina Garza, U.S. Pretrial Svcs-Mc; Gilbert Valadez, U.S. Probation-Mc. (ERO:Richard Cortez [9:59/10:54-11:25-11:31]) (Interpreter:Elena Medrano-not used) Deft remanded to custody of the Marshal. , filed. (lcervantes) Modified on 7/30/2005 (lcervantes). (Entered: 07/30/2005)
07/29/2005	<u>27</u>	NOTICE OF PLEA AGREEMENT as to Jose Guerrero , filed. (magarza,) (Entered: 08/08/2005)
10/04/2005	28	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Jose Guerrero, filed.(bgarces) (Entered: 10/11/2005)
10/04/2005	29	CONFIDENTIAL SENTENCING RECOMMENDATION (Sealed) regarding Jose Guerrero, filed.(bgarces) (Entered: 10/11/2005)
10/13/2005	30	UNOPPOSED MOTION to Continue Sentencing Hearing Under Seal by Jose Guerrero, filed. (magarza,) (Entered: 10/13/2005)
10/17/2005	<u>31</u>	ORDER granting 30 MOTION to Continue Sentencing Hearing as to Jose Guerrero. Sentencing set for 12/15/2005 at 02:00 PM before Judge Randy Crane.(Signed by Judge Randy Crane). Parties notified. (magarza,) (Entered: 10/17/2005)
12/05/2005	32	UNOPPOSED MOTION to Continue Sentencing by Jose Guerrero, filed. (magarza,) (Entered: 12/08/2005)
12/12/2005	<u>33</u>	ORDER Granting 32 MOTION to Continue Sentencing (previously set for 12/15/05) as to Jose Guerrero Sentencing reset for 2/8/2006 at 02:00 PM before Judge Randy Crane.(Signed by Judge Randy Crane). Parties notified. (magarza,) (Entered: 12/12/2005)
01/17/2006	<u>34</u>	MOTION to Continue Sentencing Hearing by Jose Guerrero, filed. (Attachments: # <u>1</u> Proposed Order)(magarza,) (Entered: 01/17/2006)
01/18/2006	<u>35</u>	ORDER RESETTING SENTENCING as to Jose Guerrero Sentencing set for 3/8/2006 at 02:00 PM before Judge Randy Crane.(Signed by Judge Randy Crane). Parties notified. (eleandro,) (Entered: 01/18/2006)

03/06/2006		Minute Entry for proceedings held before Judge Randy Crane: Sentencing held on 3/6/2006 for Jose Guerrero (1). The Court addressed the objections and made it's findings. [role adjustment minor participant, TOL=24, GRS=51-63 months] Sentence Count(s) 4: Fifty-one (51) months custody of the Bureau of Prisons, three (3) years supervised release term with supervision, \$100 special assessment. The Court recommends drug/alcohol abuse treatment program while incarcerated and placement in an institution closest to his his home near Chicago. The Court advised the defendant of his right to appeal. Counts 1,2,3 Dismissed on Government's oral motion., Jose Guerrero terminated. Appearances: Juan F. Alanis, AUSA; David Almaraz, Ret; Derek Mills, U.S. Probation-Mc.(ERO:Richard Cortez [2:54-3:01]) (Interpreter:Elena Medrano-not used) Deft remanded to custody of the Marshal. , filed.(lcervantes) (Entered: 03/08/2006)
03/10/2006	<u>36</u>	JUDGMENT as to Jose Guerrero (Signed by Judge Randy Crane). Parties notified. (eleandro,) (Entered: 03/13/2006)
03/10/2006	<u>37</u>	STATEMENT OF REASONS (Sealed) as to Jose Guerrero , filed. (eleandro,) (Entered: 03/13/2006)
03/20/2006	<u>38</u>	ORDER to Disburse Bond as to Jose Guerrero (Signed by Judge Randy Crane). Parties notified. (bgarces,) (Entered: 03/23/2006)
08/14/2006		AFFIDAVIT of Bond Remitter Re: Change of Address as to Jose Guerrero <u>7</u> Cash Bond, filed.(shenry,) (Entered: 08/14/2006)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS-McALLEN DIVISION
OFFICE OF THE CLERK
1701 W. Bus. Hwy 83, Suite 1011
McAllen, Texas 78501
(956) 618-8065

July 9, 2008

Michael N. Milby
Clerk

Clerk/Court Administrator
United States District Court
Northern District of Illinois
219 South Dearborn Street
Chicago, Ill 60604

RE: U.S.A. v Jose Guerrero
Our No. 7:05-CR-271-01

Enclosed herewith please find certified copies of the Transfer of Jurisdiction, Indictment, Judgment, and docket sheet previously requested by your office.

Please complete the receipt below and return the attached copy of this letter.

Sincerely,

MICHAEL N. MILBY, CLERK

by: 
A. Morin, Deputy clerk

cc: AUSA
USM
USPO

Received and filed under Criminal Docket No. _____ on this the _____ day
of _____, 2008.

Clerk, U.S. District Court

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

United States District Court
Southern District of Texas
FILED

MLC APR 12 2005

Michael N. Milby, Clerk

UNITED STATES OF AMERICA

v.

JOSE GUERRERO

§
§
§
§
§

Criminal No.

M-05-271

INDICTMENT

THE GRAND JURY CHARGES:

Count One

On or about March 26, 2005, in the Southern District of Texas, and within the jurisdiction of the Court, defendant

JOSE GUERRERO

did knowingly and intentionally conspire and agree with other person or persons known and unknown to the Grand Jurors, to knowingly and intentionally import into the United States of America from the United Mexican States a controlled substance. The controlled substance involved was more than 5 kilograms of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 963, 952(a) and 960(b)(1)(B).

Count Two

On or about March 26, 2005, in the Southern District of Texas and within the jurisdiction of the Court, defendant

JOSE GUERRERO

did knowingly and intentionally import into the United States of America from the United Mexican States a controlled substance. The controlled substance involved was more than 5 kilograms, that is, approximately 18.1 kilograms of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 952(a), 960(a)(1), and 960(b)(1)(B) and Title 18, United States Code, Section 2.

Count Three

On or about March 26, 2005, in the Southern District of Texas, and within the jurisdiction of the Court, defendant

JOSE GUERRERO

did knowingly and intentionally conspire and agree with other person or persons known and unknown to the Grand Jurors, to knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was more than 5 kilograms of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

Count Four

On or about March 26, 2005, in the Southern District of Texas, and within the jurisdiction of the court, defendant

JOSE GUERRERO

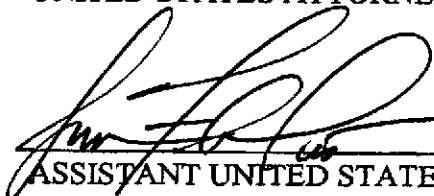
did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was more than 5 kilograms, that is, approximately 18.1 kilograms of cocaine, a Schedule II controlled substance.


In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

A TRUE BILL

[REDACTED]
FOREPERSON

MICHAEL T. SHELBY
UNITED STATES ATTORNEY


ASSISTANT UNITED STATES ATTORNEY

TRUE COPY
ATTEST:
MICHAEL N. KELLY, CLERK
By 
Deputy Clerk

UNITED STATES DISTRICT COURT
Southern District of Texas
Holding Session in McAllen

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

JOSE GUERRERO

CASE NUMBER: **7:05CR00271-001**

USM NUMBER: 46657-179

David Almaraz
Defendant's Attorney

☐ See Additional Aliases.

THE DEFENDANT:

☐ pleaded guilty to count(s) 4 on July 29, 2005.

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. § 841(a)(1), 841(b)(1)(A) and 18 U.S.C. § 2	Possession, with intent to distribute, 17.20 kilograms of cocaine.	03/26/2005	4

☐ See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 1, 2 & 3 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 6, 2006
Date of Imposition of Judgment

RANDY CRANE
Signature of Judge

RANDY CRANE
UNITED STATES DISTRICT JUDGE
Name and Title of Judge

March 10, 2006

Date

TRUTH CENTURY
ATTORNEY AT LAW
MICHAEL J. CLARK
By [Signature]
Deputy Clerk

DEFENDANT: **JOSE GUERRERO**
CASE NUMBER: **7:05CR00271-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 51 months.

☐ See Additional Imprisonment Terms.

☒ The court makes the following recommendations to the Bureau of Prisons:
That the defendant be placed in an institution where he can receive drug and/or alcohol abuse treatment and/or counseling, and one that is as close as possible to his residence.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ by _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **JOSE GUERRERO**
 CASE NUMBER: **7:05CR00271-001**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.

☐ See Additional Supervised Release Terms.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. *(for offenses committed on or after September 13, 1994)*

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

☐ See Special Conditions of Supervision.

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **JOSE GUERRERO**
CASE NUMBER: **7:05CR00271-001**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100		

- ☐ See Additional Terms for Criminal Monetary Penalties.
- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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- ☐ See Additional Restitution Payees.

TOTALS	\$ 0.00	\$ 0.00
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☐ Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **JOSE GUERRERO**
CASE NUMBER: **7:05CR00271-001**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100 due immediately, balance due
☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ days after the date of this judgment; or
- D ☐ Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ days after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
Make all payments payable to: U.S. District Clerk, Attn: Finance, P.O. Box 5059, McAllen, TX 78502.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	<u>Total Amount</u>	<u>Joint and Several Amount</u>	<u>Corresponding Payee, if appropriate</u>
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- ☐ See Additional Defendants and Co-Defendants Held Joint and Several.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:
- ☐ See Additional Forfeited Property.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.